

RONALD O. KAYE, SBN 145051
Email: rok@kmbllaw.com
CAITLIN WEISBERG, SBN 262779
E-mail: cweisberg@kmbllaw.com
KAYE, McLANE, BEDNARSKI & LITT, LLP
975 East Green Street
Pasadena, California 91106
Tel: (626) 844-7660
Fax: (626) 844-7670

Attorneys for Plaintiffs
ALEX AGUILAR, JR. and P.A.
by and through her Guardian Ad Litem,
Florence Ahumada, AND THE
ESTATE OF ALEX AGUILAR, SR.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALEX AGUILAR, JR., and P.A., by
and through her Guardian Ad Litem,
Florence Ahumada, AND THE
ESTATE OF ALEX AGUILAR,
SR.,

Plaintiffs,

v.

CITY OF LOS ANGELES, ET AL.,

Defendants.

CASE NO. CV 17-04382-CBM
(MRWX)

**DECLARATION OF CAITLIN S.
WEISBERG IN SUPPORT OF
PLAINTIFFS' MOTION IN
LIMINE NO. 2**

Date: October 2, 2018

Time: 2:30 p.m.

Courtroom: 8B

DECLARATION OF CAITLIN S. WEISBERG

I, Caitlin S. Weisberg, declare,

1. I am an attorney at the law firm of Kaye, McLane, Bednarski & Litt, LLP and counsel for Plaintiffs in the instant case. This declaration is submitted in support of Plaintiffs' Motion in Limine No. 2. I am familiar with this case and the matters contained in this declaration. The factual information contained in this declaration is based on discovery that has been produced in this action and my own knowledge of the substance of evidence and relevant proceedings.

2. In his expert report, Defendants' Bioelectricity / Taser expert, Mark Kroll, cites four studies on the subject of the analgesic effects of certain drugs and alcohol. Those studies are identified as follows in the report:

151. Colville KI, Chaplin E. Sympathomimetrics as Analgesics: Effects of Methoxamine, Methamphetamine, Metaraminol and Norepinephrine. Life Scie (1962) 1964; 3:315-322.

152. Evans WO, Bergner DP. A Comparison of the Analgesic Potencies of Morphine, Pentazocine, and a Mixture of Methamphetamine and Pentazocine in the Rat. J New Drugs. 1964; 4(2):82-85.

153. James MF, Duthie AM, Duffy BL, McKeag AM, Rice CP. Analgesic effect of ethyl alcohol. Br. J. Anaesth. 1978; 50(2):139-141.

154. Woodrow KM, Eltherington LG, Feeling no pain: alcohol as an analgesic. Pain. 1988; 32(2):159-163.

3. I have reviewed the studies identified in the foregoing paragraph. These studies do not address pain in humans caused by electronic control devices (e.g., Tasers), and they do not stand for the proposition that any amount of the studied substances reduces the pain experienced by a human subject to zero or close to zero.

4. The Colville (151) and Evans (152) articles reflect studies involving Methamphetamine. Both of these studies were published in the early 1960s. Both used rats as the test subjects.

5. The James (153) and Woodrow (154) articles concern the analgesic effect of alcohol on human subjects. The studies did not involve electric shocks, but rather pain caused by mechanical pressure. These studies do not address the amount of pain reduction associated with different amounts of alcohol and rather address only the comparative analgesic effectiveness of alcohol with respect to other analgesics, such as morphine.

6. Mr. Kroll did not supplement his expert report after his deposition.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on September 4, 2018, 2018, in Pasadena, California.

By: / s / Caitlin S. Weisberg

Caitlin S. Weisberg